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Via Electronic Filing and Fax

March 24, 2011

The Hon. A. Kathleen Tomlinson
100 Federal Plaza
P.O. Box 9014
Central Islip, NY 11722-9014
Courtroom 910

Re: Fox v. McIlvaine, Case No. CV10-5358 (LDW) (AKT)

Dear Judge Tomlinson:

This Court has set an Initial Conference for March 28 at 3 p.m. in *Fox v. McIlvaine et al.* Counsel to both parties respectfully request that your Honor permit counsel to appear by telephone instead of in person.

We understand that our request is uncommon given your Honor's desire, as expressed in your Initial Conference and Case Management Order, that counsel appear in person.

However, personal appearances would require Defendant's counsel, based in the Albany area, to drive five hours to the Conference (and five back), and Plaintiff's counsel to drive one and a half hours to the Conference.

Further, the parties believe that Monday's Conference will be very short. As indicated in the Proposed Discovery Plan submitted earlier today, the parties agree on all aspects of discovery. The Plan's only material deviation from your Honor's Sample Case Management Schedule is an extension of the date for joinder of parties and amendment of pleadings, which the parties have agreed to extend by several months due to the unidentified Doe Defendants that Plaintiff needs discovery to identify.

On behalf of counsel to both parties, thank you for considering this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Zavín", with a stylized flourish at the end.

Jonathan Zavín
Partner

cc: Joseph Singleton, Esq. (via fax)
Raymond White, Esq. (via fax)